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UNCLAS SECTION 01 OF 02 SANAA 002782

SIPDIS

NEA/ARP PLEASE PASS TO USTR JASON BUNTIN. NEA/ARP PLEASE
PASS TO DEPT OF COMMERCE.

E.O. 12958: N/A

TAGS: [ELAB](#) [KDEM](#) [KMPI](#) [PHUM](#) [YM](#)

SUBJECT: LABOR RIGHTS IN YEMEN: LAW VERSUS REALITY

1. Summary. As is common to poor underdeveloped countries with former socialist influences, Yemen has many laws on the books to protect the rights of workers. In practice, however, the ruling General People's Congress (GPC) party has neutralized the major trade unions by placing party-appointed leaders in their ranks. This summer the ROYG resorted to using police force to shut-down unionization efforts. End Summary.

The Labor Code: What's on the Books

2. A 1995 Presidential Order and a major 1997 amendment to the Labor Code provide for the collective agreements, termination of contracts, wage determination, penalties and disciplinary measures for violations of the law. The Code applies to all workers except public servants, foreigners, "casual workers" (day-laborers), and domestic servants. Article Five states that "work is the natural right and duty of every citizen on the basis of equal conditions and opportunities, without discrimination on the grounds of sex, age, race, color, beliefs or language."

3. According to the Labor code, non-Yemenis may not constitute more than 10 percent of any employer's workforce. In practice, not all firms can abide by this provision, particularly in sectors where skilled and technical labor is required such as oil exploration, and service and hotel industry. Yemen lacks a skilled, technically proficient, English-speaking native labor force. The literacy rate in Yemen hovers around 65 percent for men and 35 percent for women. Most foreign companies make separate agreements with the ROYG to keep their predominantly foreign technical workforce and agree to slowly convert foreign held jobs to Yemenis by implementing training and skills-building programs. The ROYG enforces government regulations sporadically and often for political reasons -- particularly where oil revenues are involved. The paucity of skilled labor effects government and private businesses. Businessmen complain that this is one of their biggest challenges in Yemen.

4. Article 42 of the Labor Code stipulates that women are equal to men in conditions of employment and employment rights. However, women activists and NGOs report that discrimination is a common practice in both the public and private sectors. Mechanisms to enforce equal protection are weak or non-existent.

5. Under Article 32 of the Code, the ROYG may invalidate any collective agreement "damaging the economic interests of the country." This article gives the government wide leeway to interfere with or discourage collective agreements and unionization. If a labor dispute cannot be settled amicably, the law calls for the dispute to be submitted to an arbitration committee for resolution. If arbitration fails, workers may strike under specified conditions. Each worker must announce his/her intention to strike by wearing a red armband for three consecutive days before the commencement of the strike (Article 146).

6. The Labor codes cover a great diversity of additional labor issues including:

- Wages and allowances, including minimum wage and overtime
- Hours of work
- Work discipline and penalties
- Vocational training, including apprenticeships
- Occupational safety and health
- Health insurance
- Labor inspection
- Workers' and employers' organizations
- Freedom of association

Recent Episodes Illustrate ROYG Intervention

7. In reality, the labor situation in Yemen is much bleaker than the laws suggest. Two recent incidents illustrate the ROYGs willingness to manipulate or circumvent the Labor Code. On July 5, a disagreement between management of the

government-owned Yemenia airlines and its pilots erupted into a full-blown strike. An undisclosed agreement was reached between management and the pilots, but subsequently pilots complained that the administration did not honor their commitments. The pilots further allege that the airlines instructed its physicians to find the strike leaders "unfit to fly."

18. In another recent incident, Sanaa Airport technicians decided to unionize to protect themselves from what they saw happen to the Yemenia pilots. Deputy Minister of Labor Muhammed Ali Ba-Musallam agreed to be present at the technicians' vote for unionization. News articles and other sources reported that Prime Minister Abdul Qadir Ba-Jammal instructed airport police to block Deputy Labor Minister Ba-Musallam from reaching the meeting site. Ba-Musallam called the technicians to meet him on the airport road to conduct the vote. The result of the vote for unionization was never made public. Ba-Musallam fled to his home province for "vacation," has subsequently been sidelined, his responsibilities delegated to other officials, and he is expected to resign or be fired for his unionization efforts.

19. Comment: Many labor unions in Yemen are under the indirect authority of the ruling GPC party. They do not function as a check on the government authorities or on management practices. Even in Aden, which enjoys a long tradition of workers rights, beginning with the establishment of the first Yemeni labor union in the 1880s, the port workers' union, the GPC has placed party loyalists in union leadership positions. The only organized professional group that has shown significant independence from the GPC is the Yemeni Journalists Syndicate (YJS). The YJS has been vocal in condemning recent ROYG actions to close several publications and to jail an editor for publishing articles critical of President Saleh. End Comment.
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